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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/005,727 01/19/93 LEVINE

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M LVN-023
EXAMINER

FLYNN, N

PART UNIT PAPER NUMBER

2602
DATE MAILED:

07/20/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTQ-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-15 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☒ Claims 1-15 are allowed.

4. ☒ Claims 1-10 and 11-13 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable, ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner, ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved, ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

1. Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is ambiguous and incomplete because the construction of the system is not clear. The "means adapted to analyze the operation of said associated unit in response to said control codes" appears to be performing the same function as the "electronic controller". Both elements analyze the resulting operation of the associated unit in order to determine the control codes for the associate unit. The claim is incomplete because it is unclear exactly how the "means adapted to analyze" is connected to and function with the other elements in the system.

The examiner believes that the claim would more accurately and clearly reflect to true invention if the description of the electronic controller is rewritten as follows:

an electronic controller means operative to perform the following functions: cause said remote-control signal transmitter to transmit test control signals to said associated unit, cause said means adapted to analyze the operation of said associated unit to determine control codes related to the associated unit in response to said test control

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codes, and cause the control codes determined to be related to the associated unit to be stored in said memory.

2. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 11-13 are rejected under 35 U.S.C. § 103 as being unpatentable over Rumbolt et al.

As to claims 11, Rumbolt disclose all of the steps claimed.

- A. "transmitting test control codes to the associated unit" is disclosed in the abstract and shown in the flow chart shown in fig 5;
- B. "analyzing the resulting operation of the associated unit in order to determine its control codes" is disclosed in the abstract and performed by the operator visually monitoring the device

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under test;

C. "storing the control codes in a memory" is disclosed in the abstract and performed by microprocessor 10.

In reference to claim 12 and 13, Rumbolt further discloses the determination of the control codes is made by the user analyzing the output video signal of the associated unit.

The inclusion of structural limitations in the preamble of the method claims is of no patentable moment unless it affects the process in a manipulative sense. Ex parte Kangas, 125 USPQ 419 (PTO Bd. App. 1960). The structure in the preamble of method claims 11-13 does not affect the process in manipulative sense and amounts to the mere claiming of a use of a particular structure.

It would have been obvious to one of ordinary skill in the art that the method for determining remote control codes disclosed by Rumbolt could be used with a multiplicity of structures because it is disclosed in the specification that this method can be adapted for use with televisions, VCRs, and other audio/video components.

3. Claims 1-10 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

4. Claims 14 and 15 are allowable over the prior art of record.

5. The prior art submitted by the applicant has been considered by the examiner and found not to read on any of the claims.

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Robbins discloses an infrared extension system for locating the remote control in a different room from the receiver. This system fails to meet the requirements of the claim because it does not disclose the analyzing of the output of a device to determine the correct remote control codes to be associated with it.

Sogame discloses a programmable remote control transmitter that is capable of emulating other remote controls. This device learns the desired remote control codes by having them input from an existing remote control. This system is different than the claimed invention because the desired remote control codes are entered from an existing remote control instead of being determined by analyzing the output of the device in response to test signals.

Levine (USPN 4,963,994 and 4,908,713) discloses VCR programmers. These systems do not teach or suggest in any way the determining of control codes by analyzing the output of a device in response to test control codes.

In the owner's manual for the Radio Shack Universal Remote Control it is disclosed that a remote control codes may be determined by transmitting the output of an existing remote to the universal remote. This system does not teach the determination of control codes by the analysis of a device in response to test control codes.

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Levine (USPN 5,123,046) discloses a VCR with cable tuner control. This system show at the remote control for the VCR may be used to vie the VCR to control a cable box. Levine (',046) does not disclose or suggest that the VCR is capable of learning the remote control codes of the cable box by using test signals and analyzing the results.

Iijama discloses a CATV terminal unit that is capable a storing remote control codes relating to an external unit. This sytem does not disclose or suggest the determination of the control codes for the external unit in the method of the claimed intention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan J. Flynn whose telephone number is (703) 308-6601.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

NJF Nathan J. Flynn
July 19, 1993

VICTOR R. KOSTAK
PRIMARY EXAMINER
ART UNIT 262

W R K